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Our Case No. 11336/665

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
MARTIN VOGEL et al.)	
)	Examiner: LEONID SHAPIRO
Serial No. 09/807,445)	
)	Group Art Unit No. 2673
Filing Date: October 21, 1999)	
)	
§ 371 Date: May 23, 2001)	
)	
For: DEVICE FOR ENTERING VALUES)	
USING A DISPLAY SCREEN)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandra, VA 22313-1450

Dear Sir:

Applicants request review of the final rejection that was mailed August 2, 2006 in the above-identified application. No amendments to the claims are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

I. Introduction

Claims 11-25 and 27-33 are pending in the application. In the Office Action dated August 2, 2006, the Office Action maintained the rejection of claims 11-25 and 27-33 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement; under 35 U.S.C. § 112, second paragraph as being indefinite; and under 35 U.S.C. § 103 (a) as being unpatentable over a combination of seven references, Eastty et al. (U.S. Patent No. 6,359,632), Silfvast et al. (U.S. Patent No. 6,438,241), Silfvajt et al. (U.S. Patent No. 5,402,501), Silfvast '610 (U.S. Patent No. 5,959,610), Jaeger (U.S. Patent No. 5,786,811), LeBrat (U.S. Patent No. 5,339,166) and Nixon (5,801,942). The Office Action erroneously cited Bergman and Embree in rejecting claim 18, instead of Silfvast and Silfvajt.

II. Claims 11-25 and 27-33 are adequately supported by the specification and definite.

A. 35 U.S.C. § 112, first paragraph

The Office Action asserts that the claimed feature, "wherein the at least one of the fields of the screen displays a different type of value in response to the assigned configurations" is not disclosed in the description or shown in the Figures. Appellant asserts, however, that the claimed feature is adequately supported by the specification, such as p. 3, line 28- p. 4, line 3, p. 8, lines 5-22 and p. 9, lines 16-25 as follows:

Thus, depending on the configuration, several displays and several entry elements can be set into the same view. . . .

When the configuration of the switch board is changed by the operating elements 55, it occurs by means of corresponding data using the bus 59 to cause the computer 62, on the one hand, to select new algorithms via the bus 68 from the algorithm library 67 and to put them out to the signal processor 64 and, on the other hand, to direct the graphic computer 58 via the data bus 61 to adjust the displays, dials, etc. on the screen 57 to the new configuration. . . If operating elements 56 are activated, however, the configuration (the block wiring diagram) remains unchanged and only the values of the parameters in the selected parameters are changed, transmitted by way of the bus 71 to the signal processor 64 and are displayed on the screen 57 via the graphic computer 58 as well (emphasis added). . . .

The operating elements 55 represent means for defining the signal flux in the audio channels by selecting the algorithms. In the computer 62, **stored program parts define means for determining the assignment of operating elements**, for instance,

In accordance with the specification reproduced above, the configuration of the switch board may be changed with the activation of the operating elements 55. Thereafter, the operating elements 56 may be activated to change the values but the new configuration remains unchanged. The specification reproduced above adequately supports the claimed feature, "wherein the at least one of the fields of the screen displays a different type of value in response to the assigned configurations." Accordingly, one of skill in the art can reasonably conclude that the inventors had possession of the claimed invention.

B. 35 U.S.C. § 112, second paragraph

The Office Action asserts (1) that it is not clear how the claimed feature, "wherein the at least one of the fields of the screen displays a different type of value in response to the assigned configurations" operate without activation and (2) that the claimed feature contradicts the description, "[i]f the operating elements 56 are activated, however, . . . only the values of the parameters in the selected parameters are changed."

The Office Action fails to give claims 11-25 and 27-33 their broadest reasonable interpretation. See MPEP § 2111. The Office Action reads the limitation, "without activation" into the claimed feature, and it ultimately asserts that the claimed feature contradicts the specification. With regard to the specification reproduced in Section II. A. above, and based on the broadest reasonable interpretation, claims 11-25 and 27-33 are definite.

III. The Office Action fails to provide a *prima facie* case of obviousness.

The Office Action fails to assert that any cited references, either individually, or in combination, teach the claimed feature, "wherein the at least one of the fields of the screen displays a different type of value in response to the assigned configurations" of claims 11-25 and 27-33. Because the Office Action does not establish that the cited references teach each and every feature of claims, it fails to provide a *prima facie* case of obviousness.

IV. None of cited references, either individually, or in combination, teaches or suggests claims 11-25 and 27-33.

Claims 11-25 and 27-33 recite that each operating element manually adjusts values which influence processing of audio signals and that each operating element is

disposed adjacent to the displayed values within each field. A carrier accommodates the operating element in front of a screen and each field is displayed on the screen. A user manually operates each operating element to adjust value while directly looking at the adjusted value in each field. The claimed device and apparatus are "confusion-free" and provide "quick feedback about values, which can be entered in an ergonomically advantageous manner by means of a manual entry element" (specification, p. 3, lines 1-5). Further, the claimed device and apparatus lead to a constructive design that requires little space and can easily be constructed. *Id.*

In rejecting claims 11-25 and 27-33, the Office Action relies on Eastty as a main reference and asserts that six references fill in the gaps left by Eastty. With respect to independent claims 11 and 25, the Office Action asserts that Eastty teaches the claimed carrier (claim 11) and at least two operating elements (claims 11 and 25). Specifically, the Office Action asserts that the carrier is equivalent to touch panel of Eastty, citing Fig. 1 and items 10, 30 and Figs. 6A-6B, Col. 3, lines 1-12, as reproduced below.

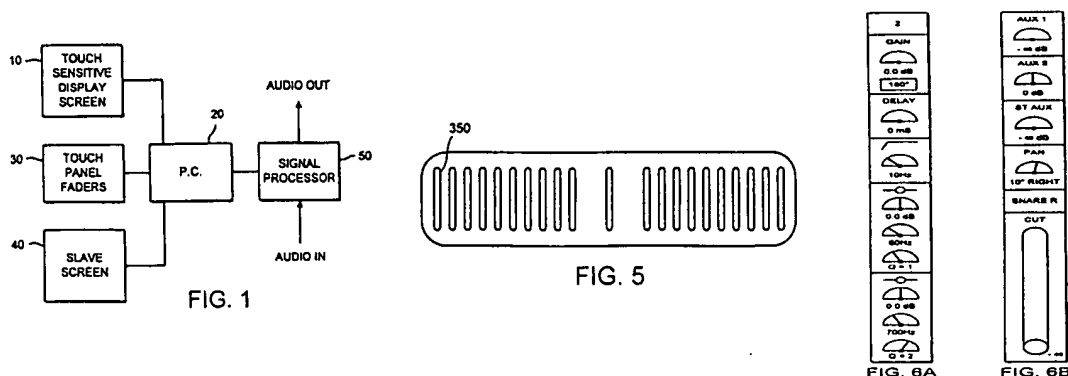


Fig. 5 illustrates the fader panel 30 which includes "one such sensor 350 for each channel strip on the display screen" (col. 3, lines 32-33). The channel strip shown in Figs. 6A-6B (reproduced above) is "a schematic illustration on the display screen" (col. 3, lines 52-54). Namely, Eastty discloses a fader as a display on the screen 10 and does not teach "a carrier for accommodating at least two operating elements, the carrier being located, relative to a viewing direction of the screen, in front of the screen."

The Office Action further asserts that GAIN and DELAY (FIG. 6A) correspond to the recited two operating elements and Fig. 8A, item 420 (Col. 4, lines 59-63) as reproduced below teaches the feature, "each operating element disposed adjacent one of the displayed values within each field."

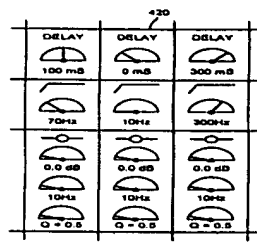


FIG. 8A

In FIG. 6A, GAIN and DELAY are attributes of the audio signal displayed on the display screen (col. 3, lines 60-63) and do not teach the claimed operating element. Eastty discloses a visual feedback of a current control setting is given to the user (col. 4, lines 1-23); however, the feature, "each operating element disposed adjacent one of the displayed values within each field" are not taught or suggested. Because a user of Eastty system must memorize association of a fader and attributes of audio signals, Eastty system is not confusion-free. None of other six references cure such deficiencies of Eastty.

Claims 12-24 and 27-33 depend from claims 1 and 25, respectively. Accordingly, claims 12-24 and 27-33 recite all of the features of claims 1 and 25 plus additional features. For the reasons above, none of the cited references teach or suggest claims 12-24 and 27-33, either individually, or in combination.

IV. Conclusion

The pending claims meet all of the requirements of 35 U.S.C. § 112. Moreover, Eastty fails to teach or suggest all of features of claims 11-25 and 27-33 and various other references fail to cure the deficiencies of Eastty in each of the proposed combination of references contemplated by the Office Action. For at least the above reasons, Applicants respectfully request review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

Respectfully submitted,


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